

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

ROBERT BERG, Individually and On Behalf)
of All Others Similarly Situated,)
)
)
Plaintiff,) Case No. 5:17-cv-00469-FL
)
v.) JURY TRIAL DEMANDED
)
MAXPOINT INTERACTIVE, INC., JOSEPH)
EPPERSON, KEVIN DULSKY, LYNNETTE) CLASS ACTION
FRANK, LEN JORDAN, AUGUSTUS TAL,)
HARLAND CLARKE HOLDINGS CORP.)
MERCURY MERGER SUB, INC., and)
VALASSIS COMMUNICATIONS, INC.,)
)
Defendants.)

NOTICE OF VOLUNTARY OF DISMISSAL

WHEREAS, plaintiff Robert Berg (“Plaintiff”) filed the above-captioned action (the “Action”) challenging the public disclosures made in connection with the proposed acquisition of MaxPoint Interactive, Inc. (“MaxPoint”) by Mercury Merger Sub, Inc., an indirect wholly owned subsidiary of Harland Clarke Holdings Corp., pursuant to a definitive agreement and plan of merger filed with the United States Securities and Exchange Commission (“SEC”) on or around August 27, 2017 (the “Transaction”);

WHEREAS, the Action asserts claims for violations of the Securities Exchange Act of 1934 by defendants alleged to have been made in MaxPoint’s Solicitation/Recommendation Statement (the “Solicitation Statement”) filed with the SEC on September 11, 2017;

WHEREAS, on September 29, 2017, MaxPoint filed a supplement to the Solicitation Statement on Schedule 14D9/A that included certain additional information relating to the Transaction that addressed and mooted claims regarding the sufficiency of the disclosures in the Solicitation Statement (the “Supplemental Disclosures”);

WHEREAS, Plaintiff informed defendants that, in light of his view that his claims had been mooted by the Supplemental Disclosures, he intended to dismiss this Action and any remaining individual claims with prejudice as to himself, and without prejudice as to the members of the putative class;

WHEREAS, the parties subsequently negotiated and reached agreement on a payment of attorneys' fees and expenses to counsel for Plaintiff to resolve their claim for mootness fees and expenses related to the dissemination of the Supplemental Disclosures;

NOW, THEREFORE, PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby voluntarily dismisses his individual claims in the Action with prejudice, and his claims on behalf of the putative class without prejudice. Defendants have filed neither an answer nor a motion for summary judgment in the Action.

Dated: December 21, 2017

WARD BLACK LAW

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail address denoted on the attached Electronic Mail Notice List.

/s/Janet Ward Black
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